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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,453	09/11/2000	Dr. Bernhard Kaiser	Q60663	5829

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EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,453

Applicant(s)

KAISER, DR. BERNHARD

Examiner

Quoc D Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/659,453.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krank et al (6,002,755) in view of Smyth et al (6,347,224).

Consider claim 1, Krank et al teach a process for signaling cost information in a telecommunications network comprised a plurality of exchanges (*see abstract; Fig. 1*), wherein the process comprises: establishing a connection between a subscriber's terminal and an exchange of a plurality of exchanges, forwarding a tariff request for a to-be-completed telephone call or an on-going telephone call from a call handling function resident in the exchange to a tariff server, receiving a tariff response at the call handling function at the exchange from the tariff server for the requested connection, forwarding the tariff response from the call handling function to a CDR generating function in the exchange, forwarding the cost information from the CDR generating function to the cost communication function of the exchange and communicating the cost information from the cost communication function to the subscriber's data terminal prior to the establishment of the to-be-completed telephone call or during the on-going telephone call (see col. 2 line 52 – col. 4 line 7; col. 5 lines 21-35). It should be noted that the telecommunications exchanges are neither known or inherently for handling calls and for generating CDR that are send to the billing system.

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Krank et al shown that the tariff server (i.e., CHUN) is an integral of the exchange and that the service unit, which employ the charging device and the coupler, may be remotely located from the exchange. Krank et al did not suggest wherein the tariff is an independent tariff server connected to several of the exchanges in the telecommunication network and receiving tariff request from the exchanges. However, Smyth et al teach a charging system for the telecommunication network employing a charging control system that may be connected at the mobile switching center (MSC) (i.e., corresponding to an exchange in a fixed wireline) level in a network or may be reside at the MSC level. The charging control system exchanges traffic or price information to the MSCs (see col. 11 lines 53-60; col. 12 lines 26-30).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Smyth et al into view of Krank et al in order to provide commonly access and commonly utilize it's resources.

Consider claim 2, Krank et al teach the process for signaling cost information wherein the tariff server access a subscriber database containing current tariff data (*col. 5 lines 31-35*).

Consider claim 3, Krank et al teach the process for signaling cost information wherein the current costs are updated upon the connection establishment and/or during the existing telephone call (*col. 3 lines 32-44*).

Consider claim 4, Krank et al teach the process for signaling cost information wherein the bill server updates the information stored on the tariff (*col. 5 lines 23-60; Fig. 3*). The service unit is interpreted as a bill server since the bill server is responsible for receiving tariff information and generates the charge information thereof.

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Consider claim 5, Krank et al teach a tariff server with connections to an exchange and to a bill server (*see Fig. 3; col. 5 lines 47-60*), the tariff server having a charging rate function which is connected to a subscriber database, and in response to a tariff request that is received from the exchange for a to-be-completed telephone call or an on-going telephone call, the charging rate function generates a tariff response that is used to determine the cost information of the to-be-completed telephone call or the on-going telephone call (*see col. 2 line 52 – col. 4 line 7; col. 5 lines 21-35*).

Krank et al shown that the tariff server (i.e., CHUN) is an integral of the exchange and that the service unit, which employ the charging device and the coupler, may be remotely located from the exchange. Krank et al did not suggest wherein the tariff is an independent tariff server connected to several of the exchanges in the telecommunication network and receiving tariff request from the exchanges. However, Smyth et al teach a charging system for the telecommunication network employing a charging control system that may be connected at the mobile switching center (MSC) (i.e., corresponding to an exchange in a fixed wireline) level in a network or may be reside at the MSC level. The charging control system exchanges traffic or price information to the MSCs (*see col. 11 lines 53-60; col. 12 lines 26-30*).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Smyth et al into view of Krank et al in order to provide commonly access and commonly utilize it's resources.

Consider claim 6, Krank et al teach wherein the bill server updates current cost information that is stored in the subscriber database (*see col. 3 lines 32-44*).

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Consider claim 11, Krank et al teach wherein the current cost information is updated based upon the cost information received from the charging rate function (*see col. 3 lines 32-44*).

Consider claim 7, Krank et al teach an exchange for signaling cost information in a telecommunications network comprised a plurality of exchanges, wherein the exchange comprises: a call handling function that forwards a tariff request to a tariff server coupled to the exchange, wherein the call handling function receives the tariff response that is returned from the tariff server in response to the tariff request, a CDR generating function that receives the tariff response from the call handling function and generates cost information from the tariff response, and a cost communication function that communicates the cost information from the cost communication function to a subscriber's terminal (*see col. 2 line 52 – col. 4 line 7; col. 5 lines 21-35*). It should be noted that the telecommunications exchanges are neither known or inherently for handling calls and for generating CDR that are send to the billing system.

Krank et al shown that the tariff server (i.e., CHUN) is an integral of the exchange and that the service unit, which employ the charging device and the coupler, may be remotely located from the exchange. Krank et al did not suggest wherein the tariff is an independent tariff server connected to several of the exchanges in the telecommunication network and receiving tariff request from the exchanges. However, Smyth et al teach a charging system for the telecommunication network employing a charging control system that may be connected at the mobile switching center (MSC) (i.e., corresponding to an exchange in a fixed wireline) level in a network or may be reside at the MSC level. The charging control system exchanges traffic or price information to the MSCs (*see col. 11 lines 53-60; col. 12 lines 26-30*).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Smyth et al into view of Krank et al in order to provide commonly access and commonly utilize it's resources.

Consider claim 8, Krank et al teach the exchange wherein the CDR generating function updates the cost information upon establishment of a to-be-completed telephone call (*col. 3 lines 32-44*).

Consider claim 9, Krank et al teach the exchange wherein the CDR generating function updates the cost information during the pendency of an on-going telephone call (*col. 3 lines 32-44*).

3. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krank et al (6,002,755) in view of Smyth et al (6,347,224) and further in view of Cameron et al (6,317,490).

Consider claims 10 and 12, Krank and Smyth et al did not clearly suggest wherein the cost information from the CDR generating function is forwarded to a bill server, which updates the subscriber database resident on the tariff server with the forwarded cost information. However, Cameron et al suggested such (*col. 6 lines 1-14*). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize the teaching of Cameron et al into view of Krank and Smyth et al in order to provide user with real-time billing information.

Response to Arguments

4. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Facsimile responses should be faxed to:
(703) 872-9306

Hand-delivered responses should be brought to:
Crystal Park II, 2121 Crystal Drive
Arlington, VA., Sixth Floor (Receptionist)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(703) 306-5643**. The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(703) 306-0377**.



Quoc D. Tran
Patent Examiner AU 2643
April 29, 2004